

² OWCP assigned the present claim OWCP File No. xxxxxx972. Appellant subsequently filed a Form CA-1 on September 25, 2024 for a November 17, 2023 right ankle injury under OWCP File No. xxxxxx570. On March 12, 2025 OWCP administratively combined OWCP File Nos. xxxxxx570 and xxxxxx972, with the latter serving as the master file.

claim form, the employing establishment controverted the claim. It asserted that appellant did not perform or engage in any official duties in April 2024.

OWCP subsequently received medical evidence regarding appellant's claim.

On July 15, 2024 J.B. provided a timecard analysis of appellant's employment and leave status from March 30 through August 10, 2024, which reflected that he was in an on-board-ship status on USNS Rappahannock but did not list any hours for that period. He indicated that civil service mariners (CIVMARs) worked 112 hours per pay period and must be fully fit for duty without restriction or modification. J.B. also indicated that the employing establishment did not offer a light duty program for CIVMARs onboard ships or at shore side.

In a letter dated July 18, 2024, J.B. noted that on April 28, 2024 appellant was onboard USNS Rappahannock but did not perform any assigned duties. He related that "the ship leadership has reported that [he] was unable to perform [his] duties while onboard the ship. [Appellant remained] in [his] stateroom while on board due to health reasons/pain in leg preventing [him] from performing [his] assigned duties."

By decision dated September 12, 2024, OWCP denied appellant's traumatic injury claim, finding that the evidence of record was insufficient to establish that the claimed injury occurred in the performance of duty, as alleged.

On September 13, 2024 appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. A hearing was held on December 3, 2024.

OWCP subsequently received additional evidence.

By decision dated January 29, 2025, OWCP's hearing representative vacated the September 12, 2024 decision and remanded the case to OWCP for further development.

By letter dated February 14, 2025, OWCP requested that the employing establishment confirm whether appellant performed employment duties onboard the ship on April 25, 2024 and, if not, whether he ever returned to duty following a prior injury.

In a response dated February 18, 2025, J.B. indicated that on March 30, 2024 appellant was "[assigned] to a ship and boarded the USNS Rappahannock and was in [his] stateroom/quarters according to the Master/Officer in Charge of USNS Rappahannock." He noted that he was in a sick leave status onboard ship and did not perform his duties as a wiper on April 25, 2024.

A leave and earnings statement dated May 10, 2024 indicated that appellant was paid for 112 hours of "regular pay" for the pay period ending May 4, 2024.

By *de novo* decision dated March 18, 2025, OWCP denied appellant's traumatic injury claim, finding that the evidence of record was insufficient to establish that the claimed injury occurred in the performance of duty, as alleged.

On March 25, 2025 appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. A hearing was held on August 21, 2025.

OWCP subsequently received additional evidence, including a sea service letter by J.O., a Ship Master from the USNS Rappahannock, who indicated that from March 30 to April 28, 2024 appellant's billet (assigned quarters) was "wiper" and he received a total of 17 days creditable sea time with no periods of reduced operations status.

By decision dated October 24, 2025, OWCP's hearing representative affirmed the March 18, 2025 decision, noting that appellant was physically onboard a vessel in a sick leave status from March 30 to April 29, 2024 and that there were "no timecards or other documentation verifying the claimant's actual work hours during this time."

The Board, having duly considered this matter, finds that the case is not in posture for decision.

In the case of *William A. Couch*,³ the Board held that, when adjudicating a claim, OWCP is obligated to consider and address all evidence properly submitted by a claimant and received by OWCP before the final decision is issued.

In his July 15, 2024 letter, J.B. indicated that CIVMARs worked 112 hours per pay period. On February 19, 2025 OWCP received a leave and earnings statement dated May 10, 2024, which indicated that appellant was paid for 112 hours of "regular pay" for the pay period ending May 4, 2024. OWCP's hearing representative, however, did not review the May 10, 2024 earnings and leave statement. As the hearing representative did not consider or address this evidence of record, the hearing representative failed to follow OWCP's procedures.⁴

As Board decisions are final with regard to the subject matter appealed, it is crucial that OWCP consider and address all relevant evidence received prior to the issuance of its final decision.⁵ On remand, OWCP shall review all evidence of record. Following this and other such further development as deemed necessary, it shall issue a *de novo* decision. Accordingly,

³ 41 ECAB 548, 553 (1990); *see also Order Remanding Case, A.B.*, Docket No. 22-0179 (issued June 28, 2022); *Order Remanding Case, S.H.*, Docket No. 19-1582 issued May 26, 2020); *R.D.*, Docket No. 17-1818 (issued April 3, 2018).

⁴ OWCP's procedures provide that all evidence submitted should be reviewed and discussed in the decision. Evidence received following development that lacks probative value should also be acknowledged. Whenever possible, the evidence should be referenced by author and date. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Denials*, Chapter 2.1401.5b(2) (November 2012).

⁵ *See A.P.*, Docket No. 25-0719 (issued November 17, 2025); *A.B.*, *supra* note 3; *C.S.*, Docket No. 18-1760 (issued November 25, 2019); *Yvette N. Davis*, 55 ECAB 475 (2004); *see also William A. Couch*, *supra* note 3.

IT IS HEREBY ORDERED THAT the October 24, 2025 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: August 5, 2026
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board